

**SUPPORTING DOCUMENT NO. 2**

**Joint letter of comment from Center for Biological Diversity and Preserve Wild Santee.**

*Center for Biological Diversity  
Preserve Wild Santee*

California Regional Water Quality Control Board  
San Diego - Region 9  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

September 12, 2005

**RE: 401 Permit Application for the Sky Ranch Subdivision in Santee**

Dear Regional Board,

Please reject the application of Greystone Homes for a 401 permit due to inadequate avoidance of and mitigation for impacts to ephemeral streams on Rattlesnake Mountain. The project's extensive earth movement eliminates an entire drainage on the western face of the mountain. The applicant has provided inadequate mitigation for this avoidable impact. The impact must be avoided to the maximum extent practicable, then fully mitigated, with a priority for on-site mitigation.

The Sky Ranch project is currently the subject of regionally significant CEQA litigation filed by the Center for Biological Diversity and Preserve Wild Santee.

In addition to our objection to specific project impacts, we believe that this project is attempting to bypass important aspects of the Endangered Species Act, the Natural Communities Conservation Planning Program, California Environmental Quality Act, the Santee General Plan and its requirement for an approved MSCP Subarea Plan prior to project approval. In essence, the project has been permitted in a way that exhibits dramatic disregard for comprehensive resource planning. This is important to consideration of a 401 permit for the project because important opportunities to avoid ephemeral washes and minimize the effects of storm water discharge have been lost.

An example of the project's indifference to the CEQA process is noted in the Regional Board's own letter of comment on the Sky Ranch NOI dated December 1, 2004. As noted, the application for a 401 permit for this very project came prior to Santee's CEQA process that is intended to analyze alternatives. Since the project footprint was decided prior to CEQA, there was not any real opportunity to avoid ephemeral streams and other impacts.

TD:Mike Pomeroy

Rec'd @

RB MTH. 9/14/05

Sky Ranch impacts to coastal sage scrub exceed Santee's 77 remaining acres available via the Endangered Species Act section 4(d) interim take authority and Santee's MSCP Subarea Plan is unfinished, so permitting by a paper Section 7 Consultation (actual consultation meeting has yet to occur) has been used to circumvent the Endangered Species Act and Natural Communities Conservation Planning requirements.<sup>1</sup>

Additionally, Santee's General Plan requires an adopted MSCP Subarea Plan prior to being able to take advantage of the quadrupling of density available in a Planned Development overlay. Yet the project was approved anyway under the rational of consistency with a "draft Subarea Plan" that reduced the conservation target for Rattlesnake Mountain from 75% to 60%. If this process continues, Santee will lose it's last large natural open spaces prior to the completion of an MSCP Subarea Plan, thereby foreclosing conservation alternatives without sufficient understanding of or mitigation for resource impacts.

Altering plans to meet the needs of projects and making firm project decisions prior to CEQA and NEPA analysis undermines the public protections incorporated into the planning process.

We urge the Board not to grant a 401 certification without appropriate alternative analysis and adequate avoidance and mitigation for resource impacts.

Sincerely,

/s/

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/s/

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<sup>1</sup> The City of Santee "Interim 5% Coastal Sage Scrub Loss Tracking Report," June 9, 2005 accounts for take of CSS associated with eighteen projects. It excludes Sky Ranch and totals the "Remaining Acres of Allowable 5% Loss" at "76.88 acres." Sky Ranch would impact 130.5 acres of CSS exceeding the balance of take available.